

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

YASSINE BAOUCH,)	CASE NO. 8:12-CV-00408
)	
Plaintiff,)	
)	
vs.)	DEFENDANTS' MOTION TO DISMISS
)	WITH PREJUDICE OR TO
WERNER ENTERPRISES, INC. d/b/a)	DECERTIFY THE CLASS PURSUANT
WERNER TRUCKING and DRIVERS)	TO FED. R. CIV. P. 37(B) AND 37(C)
MANAGEMENT, LLC,)	AND FOR EXPEDITED BRIEFING
)	
Defendants.)	

COME NOW Defendants Werner Enterprises, Inc. and Drivers Management LLC (collectively, "Werner"), pursuant to Fed. R. Civ. P. 37 & Local Civil Rule 7.1, and move for an order dismissing Plaintiffs' Complaint with prejudice or decertifying the class and collective action as a sanction for Plaintiffs' willful, bad-faith violation of the Court's April 16, 2015 discovery order and for Plaintiffs' willful, bad-faith refusal to make disclosures required by Fed. R. Civ. P. 26(a). Werner also requests an expedited briefing schedule for this Motion because Werner's expert needs to review the information Plaintiffs refuse to disclose and Werner's expert deadline is July 31, 2015. In further support of this Motion, Werner is submitting a brief and index contemporaneously with this Motion.

WERNER ENTERPRISES, INC., and
DRIVERS MANAGEMENT LLC, Defendants

By: /s/ Joseph E. Jones

Joseph E. Jones, #15970
Elizabeth A. Culhane, #23632
FRASER STRYKER PC LLO
500 Energy Plaza
409 South 17th Street
Omaha, NE 68102-2663
(402) 341-6000
jjones@fraserstryker.com
eculhane@fraserstryker.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed with the Clerk of the Court for the United States District Court for the District Court of Nebraska using the CM/ECF system this 25th day of June, 2015, which system sent notification of such filing to counsel of record.

/s/ Joseph E. Jones

1314786v1